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NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 16. DEPARTMENT OF HEALTH SERVICES

OCCUPATIONAL LICENSING

PREAMBLE

- | | | |
|------------------|---------------------------------|---------------------------------|
| <u>1.</u> | <u>Sections Affected</u> | <u>Rulemaking Action</u> |
| | R9-16-301 | Amend |
| | R9-16-302 | Amend |
| | R9-16-303 | Amend |
| | R9-16-303.01 | New Section |
| | R9-16-303.02 | New Section |
| | R9-16-303.03 | New Section |
| | R9-16-304 | Amend |
| | R9-16-305 | Amend |
| | R9-16-306 | Repeal |
| | R9-16-307 | Amend |
| | R9-16-307.01 | New Section |
| | R9-16-307.02 | New Section |
| | R9-16-308 | Amend |
| | R9-16-309 | Amend |
| | R9-16-310 | New Section |
| | R9-16-310.01 | New Section |
| | R9-16-310.02 | New Section |
| | R9-16-311 | Amend |
| | R9-16-312 | Amend |
| | R9-16-313 | Amend |
| | R9-16-314 | Amend |
| | R9-16-315 | Amend |
| | Table 1 | Amend |
| | R9-16-316 | Amend |
- 2.** **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
- Authorizing statutes: A.R.S. §§ 36-132(A)(18), 36-136(A)(7) and 36-136(F)
- Implementing statutes: A.R.S. § 36-1902(B)(5)

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3. A list of all previous notices appearing in the Register addressing the proposed rules:

Notice of Rulemaking Docket Opening: 11 A.A.R. 2980, August 5, 2005

Notice of Rulemaking Docket Opening: 12 A.A.R. 3381, September 15, 2006

4. The name and address of agency personnel with whom persons may communicate regarding the rules:

Name: Michael Beaghler, Program Manager

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Office of Special Licensing

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Or

Name: Kathleen Phillips, Rules Administrator and Administrative Counsel

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5. An explanation of the rules, including the agency's reasons for initiating the rules:

A.R.S. Title 36, Chapter 17, Articles 1 through 3 authorizes the licensing and regulation of hearing aid dispensers. A.R.S. § 36-1902(B)(5) authorizes the Department of Health Services (Department) to make rules that give effect to the licensing and regulation of hearing aid dispensers. 9 A.A.C. 16, Article 3 contains the Department's hearing aid dispenser rules. On November 6, 2001, the Governor's Regulatory Review Council approved the Department's five-year-review report of these rules.

Table 1, which contains the hearing aid dispenser licensing time-frames, became effective on June 7, 2002. As part of the rulemaking to increase the fees of speech-language pathologists, audiologists, and hearing aid dispensers according to A.R.S. § 36-1908, as amended by Laws 2003, Chapter 249, § 1, the Department reorganized R9-16-303 Licensing Process and R9-16-307

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License Renewal and added R9-16-316 Duplicate License Fee. These changes to 9 A.A.C. 16, Article 3 became effective July 3, 2004.

The Department is revising all the rules in 9 A.A.C. 16, Article 3. Except as explained in the following paragraph, the Department's revisions are in accordance with the 2001 and 2006 five-year-review reports. The revised rules require an individual applying for an initial license by examination, an initial license by reciprocity, an initial temporary license, a new individual license, or a new temporary license to provide the individual's social security number, as required by A.R.S. § 25-502(K) and in accordance with A.R.S. Title 44, Chapter 9, Article 17. The Department deleted the provision denying continuing education credit for course work that is "substantially the same in content to courses utilized to meet the CE requirements within the preceding year."

The Department is retaining the International Hearing Society test for the written part of the hearing aid dispenser licensing examination. The Department was not able to determine that another test is superior. The Department is also retaining the speech discrimination test as a required audiometric test of a client's hearing. The Department was not able to determine that another test is superior.

In addition to the revisions indicated in the 2001 five-year-review report, the Department is reorganizing the hearing aid dispenser rules to make the rules more clear, concise, and understandable to the reader.

- 6. A reference to any study relevant to the rules that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The Department did not review and does not propose to rely on any study for this rulemaking.

- 7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

- 8. The preliminary summary of the economic, small business, and consumer impact:**

A.R.S. § 36-1903, as amended by Laws 2004, Ch. 270, § 1, effective August 25, 2004, provides that all money received by the Department for A.R.S. Title 36, Chapter 17 purposes, except for civil penalties imposed under A.R.S. § 36-1939, will be deposited in the Hearing and Speech Professionals Fund (Fund) established in the state treasury. The legislature makes non-lapsing appropriations of Fund money to the Department for the licensing and regulation of hearing aid dispensers, audiologists, and speech-language pathologists.

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This preliminary economic impact summary applies to the approximately 329 hearing aid dispensers licensed by the Department, including temporary licensees, as of April 24, 2007. Although A.R.S. Title 36, Chapter 17 also includes audiologists and speech-language pathologists, 9 A.A.C. 16, Article 3 contains only the rules for hearing aid dispensers. 9 A.A.C. 16, Article 2 contains the audiologist and speech-language pathologist rules, including the licensing and regulation of approximately 250 dispensing audiologists, who fit and dispense hearing aids, out of a total of 295 Department-licensed audiologists, including temporary licensees, as of April 24, 2007. Because A.R.S. § 36-1940(B)(4) requires that an applicant for a dispensing audiologist license pass the hearing aid dispenser licensing examination, the licensing examination provisions in 9 A.A.C. 16, Article 3 can affect these applicants. In 2004 and 2005, the Department licensed a total of four dispensing audiologists. Each of these individuals held a valid certificate of clinical competency in audiology and, under A.R.S. § 36-1940.02(B)(2), was exempt from the hearing aid dispenser licensing examination. This preliminary economic impact summary does not address the Department's licensing and regulation of audiologists, including dispensing audiologists, or speech-language pathologists.

In this preliminary economic impact summary, minimal means less than \$1000; moderate means \$1000 to \$10,000; and substantial means more than \$10,000.

The hearing aid dispenser rules affect:

- The Department, which has substantial costs and revenues resulting from the requirements in A.R.S. Title 36, Chapter 17.
- The Department of Economic Security (DES), which contracts with hearing aid dispensers to provide hearing aids to participants in the DES Comprehensive Medical and Dental Program for Foster Children or the Developmentally Disabled Program. DES might have minimally increased costs for providing hearing aid dispensing services to program participants if hearing aid dispensers pass along to the programs the costs resulting from regulation, such as licensing fees and continuing education costs. DES has non-quantifiable benefits from the availability of Department-licensed hearing aid dispensers as DES contractors.
- Hearing aid dispensers and hearing aid dispenser license applicants, who have minimal to moderate costs resulting from the requirements of A.R.S. Title 36, Chapter 17; substantial benefits from the authorization to fit and dispense hearing aids, including eligibility to receive payments from third party payers who require a hearing aid dispenser to be licensed; and non-quantifiable benefits from the general statutory limitation of fitting and dispensing hearing aids to Department-licensed persons. The 2004 changes to the

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hearing aid dispenser rules included a continuing education requirement for an individual whose Department-issued hearing aid dispenser license by examination or by reciprocity becomes nonrenewable and who applies for a new hearing aid dispenser license within one year. This requirement brought uniformity to hearing aid dispenser continuing education and promotes hearing aid dispenser competency.

- Third party payers other than DES programs, which might have minimally-increased costs for reimbursing hearing aid dispenser services if hearing aid dispensers pass along to clients the costs resulting from regulation, such as licensing fees and continuing education costs. Third party payers other than DES programs have non-quantifiable benefits from limiting payments for hearing aid dispenser services to Department-licensed persons.
- Hearing aid dispenser organizations, which have non-quantifiable benefits from drawing membership from a group whose fitting and dispensing activities are authorized and regulated by the Department.
- Individuals and organizations, including hearing aid dispenser professional organizations that provide instructional programs for hearing aid dispensers, which have moderate to substantial benefits from the continuing education requirement.
- Members of the public and consumers, who read or use the rules or who purchase hearing aids in Arizona. Revision of the hearing aid dispenser rules will make the rules easier to read and use. Reorganization makes the rules more accessible; other changes make the rules more clear, concise, and understandable. Consumers who purchase hearing aids from Arizona hearing aid dispensers might have minimally higher costs for hearing aids if hearing aid dispensers pass along costs resulting from regulation, such as licensing fees and continuing education costs. Consumers have non-quantifiable benefits from the Department's licensing and regulation of hearing aid dispensers.
- Consumer organizations, such as AARP, which include population groups interested in the licensing and regulation of hearing aid dispensers. These organizations have non-quantifiable benefits, such as information, from the Department's licensing and regulation of hearing aid dispensers.

The Department believes that revision of the 9 A.A.C. 16, Article 3 rules does not impose additional costs on any individual or entity affected by the rules. The benefits of this rulemaking outweigh the costs.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

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Name: Michael Beaghler, Program Manager

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E-mail: phillik@azdhs.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

ORAL PROCEEDINGS		
LOCATION	DATE	TIME
Department of Health Services 1740 W. Adams, Room 411 Phoenix, Arizona 85007		

CLOSE OF RECORD

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Until the close of record, a person may submit written comments on the proposed rules or the preliminary economic, small business, and consumer impact summary to the individuals listed in items #4 and #9.

Persons with a disability may request a reasonable accommodation by contacting Thomas Salow at salowt@azdhs.gov or (602) 364-1935. Requests should be made as early as possible to allow sufficient time to arrange for the accommodation.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rules:

21 CFR 801.420 and 21 CFR 801.420, April 1, 2005, incorporated by reference at R9-16-311(D)(2)

ANSI S3.6-2004 American National Standard Institute Specification for Audiometers (Revision of ANSI S3.6-1996), June 4, 2004, Acoustical Society of America, incorporated by reference at R9-16-312(2)(b)

13. The full text of the rules follows:

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TITLE 9. HEALTH SERVICES

CHAPTER 16. DEPARTMENT OF HEALTH SERVICES

OCCUPATIONAL LICENSING

ARTICLE 3. LICENSING HEARING AID DISPENSERS

Section

- R9-16-301. Definitions
- R9-16-302. Appointed Committees
- R9-16-303. ~~Licensing Process~~ Individual License by Examination
- R9-16-303.01. Individual License by Reciprocity
- R9-16-303.02. Organization License
- R9-16-303.03. Temporary License
- R9-16-304. Sponsors
- R9-16-305. Licensing Examination for Licensure
- R9-16-306. ~~Structure of the Examination~~ Repealed
- R9-16-307. ~~License~~ Renewal of an Individual License
- R9-16-307.01. Renewal of an Organization License
- R9-16-307.02. Renewal of a Temporary License
- R9-16-308. Continuing Education ~~Licensure~~ Requirements Under R9-16-307 and R9-16-310
- R9-16-309. Continuing Education ~~Course Requirements~~ Pre-approval
- R9-16-310. ~~Expired~~ New Individual License
- R9-16-310.01. New Organization License
- R9-16-310.02. New Temporary License
- R9-16-311. Hearing Aid Dispenser Operating Guidelines Practice Requirements
- R9-16-312. Inspection Requirements
- R9-16-313. Complaint Procedure
- R9-16-314. Enforcement Actions
- R9-16-315. Time-frames
- Table 1. Time-frames (in ~~calendar~~ days)
- R9-16-316. Duplicate License Fee

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ARTICLE 3. LICENSING HEARING AID DISPENSERS

R9-16-301. Definitions

~~In this Article, unless the context otherwise requires, "CE" means continuing education or the on going process of receiving in-service education and training that directly relates to the practice of fitting and dispensing hearing aids as defined in A.R.S. § 36-1901(6). In addition to the definitions in A.R.S. § 36-1901, the following definitions apply in this Article unless otherwise specified:~~

1. "Acoustic output" means the amount of sound, measured in decibels, emitted by a hearing aid.
2. "Air conduction" means the channeling of sound through the ear canal, eardrum, and middle ear bones.
3. "Air conduction threshold" means the minimum signal presented to an individual through insert earphones, circumaural headphones, or sound field speakers that evokes an auditory sensation.
4. "Application packet" means the information, documents, and fees required by the Department for:
 - a. Approval to take an examination;
 - b. A license or renewal of a license, or
 - c. Pre-approval of continuing education according to R9-16-309.
5. "Attendance sheet" means a document that meets the requirements in R9-16-308(I)(4).
6. "Audiogram" means a chart or graph used to record an individual's audiometry results.
7. "Audiometer" means an electronic device that:
 - a. Measures an individual's hearing threshold levels, and
 - b. Compares the individual's hearing threshold levels with standard reference threshold levels.
8. "Audiometric equipment" means any apparatus used to measure hearing.
9. "Audiometry" means pure tone audiometry and speech audiometry.
10. "Audit" means the Department's review of the CE documentation included in R9-16-308(I).
11. "Auditory rehabilitation services" means information and instruction to minimize hearing disability that a hearing aid dispenser provides to a client who purchases a hearing aid, including:
 - a. Using and caring for the hearing aid,
 - b. Understanding sounds and speech received through the hearing aid,

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- c. Locating and differentiating among sounds,
 - d. Using a telephone,
 - e. Adapting to different sounds and sound levels, and
 - f. Appreciating the advantages of the hearing aid and accepting the limitations of the hearing aid.
- 12. "Bone conduction" means the channeling of sound through the bones inside and outside the ear.
 - 13. "Bone conduction threshold" means the minimum signal presented to an individual through a bone oscillator that evokes an auditory sensation.
 - 14. "Bone oscillator" means a device that vibrates against the bone behind the ear or the forehead when tones are played.
 - 15. "Business day" has the same meaning as in A.R.S. § 25-500.
 - 16. "Care and services" means the activities included in the practice of fitting and dispensing hearing aids as defined in A.R.S. § 36-1901.
 - 17. "CE" means continuing education, in-service instruction related to fitting and dispensing hearing aids.
 - 18. "Certificate" means a document that meets the requirements in R9-16-308(I)(3).
 - 19. "Circumaural headphones" means connected listening devices that completely cover both earlobes and channel sound into the ears.
 - 20. "Civil penalty" means a monetary fine imposed under A.R.S. § 36-1939.
 - 21. "Client" means an individual who uses a hearing aid dispenser's services.
 - 22. "Client management" means the care and services a hearing aid dispenser provides to a client.
 - 23. "Client record" means the documents included in R9-16-312(3).
 - 24. "Cochlea" means the coiled bony inner ear structure that contains delicate hair cells for converting sound into neural messages.
 - 25. "Complaint" means an individual's communication to the Department alleging that a hearing aid dispenser:
 - a. Engaged in unprofessional conduct as defined in A.R.S. § 36-1901(20);
 - b. Violated a provision in A.R.S. §§ 36-1904 through 36-1907, 36-1909, 36-1934(A), or 36-1936; or
 - c. Did not meet a requirement in this Article.
 - 26. "Configuration" means hearing loss, in decibel hearing level, at each measured frequency.

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27. "Cotton or foam dam" means a barrier that protects the eardrum from impression material.
28. "Day" means calendar day, excluding:
- a. The day of the act, event, or omission from which a designated period begins to run; and
 - b. The last day of the period if it falls on a Saturday, Sunday, or holiday listed in A.A.C. R2-5-402.
29. "Decibel" means a unit for expressing the relative intensity of sounds on a scale of 0 for the average least perceptible sound to about 130 for the average pain level.
30. "Direct auditory output" means a socket or port in a hearing aid, amplified telephone, or other device that allows the devices to be connected.
31. "Directional microphone" means a device that amplifies a speaker in front of an individual using a hearing aid and reduces sound behind the individual using a hearing aid.
32. "Documentation" means a written statement on paper, such as an e-mail or a fax, that supports the accuracy of a claim.
33. "Ear canal" means the tubelike passage from the outside opening of the ear to the eardrum through which sound enters the ear.
34. "Eardrum" means the membrane in the ear that vibrates to sound.
35. "Earmold" means a specially formed piece of lucite or vinyl that attaches to a hearing aid and conducts sound into the ear.
36. "Earmold impression" means hardened impression material that serves as the pattern for a client's earmold.
37. "Earmold modification" means an adjustment to an earmold that improves the earmold's fit in the ear canal.
38. "Educational objective" means the purpose of an instruction program stated by the organization providing the instruction program.
39. "Electroacoustic" means transforming sound waves into electric energy or transforming electric energy into sound waves.
40. "Electroacoustic performance characteristics" means measurements that compare an individual's communication when using a hearing aid to the individual's communication when not using the hearing aid to determine the hearing aid's benefit.
41. "Endorsed" means an organization's written approval or support of an instructional program provided by a person.

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42. "Evaluation" means an assessment of an individual's hearing using audiometry.
43. "Examinee" means an individual who is:
- a. Scheduled by the Department to take the licensing examination described in R9-16-305, and
 - b. Does not notify the Department within one half hour after the examination begins that the individual is not going to take the examination.
44. "FM compatibility" means the ability of a hearing aid to work with a radio system that includes:
- a. A receiver worn by the individual using the hearing aid, and
 - b. A microphone worn by an individual who is speaking.
45. "Frequency" means the number of sound vibrations per second, expressed in Hertz, and corresponding to the pitch of sound.
46. "Hearing disability" means the limitations in communicating that affect a hearing impaired individual.
47. "Hearing impaired" means an individual who has:
- a. A loss of hearing acuity; and
 - b. Enough residual hearing, including residual hearing assisted by a hearing aid, for successful processing of verbal information.
48. "Hearing loss" means the difference, expressed in decibels, between the hearing threshold level of a hearing impaired individual and a standard reference hearing threshold.
49. "Hearing threshold" means the faintest sound an individual hears at each frequency tested during audiometry.
50. "Impression material" means a soft silicone-based or acrylic-based substance that:
- a. Is inserted into the ear canal,
 - b. Conforms to the ear canal's shape, and
 - c. Hardens before removal.
51. "Inner ear" means the part of the ear, including the cochlea, that converts sound into neural messages that are sent to the brain.
52. "Insert earphones" means connected listening devices that fit inside each ear canal and channel sound into each ear canal.
53. "Instruction program" means information dealing with a subject or group of subjects that is provided in a structured format.
54. "Instrument circuitry" means the components of a hearing aid, such as:
- a. Telephone coil,

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- b. Directional microphone,
 - c. Direct auditory output, and
 - d. FM compatibility.
55. "In-the-ear shell" means the casing that fits inside an individual's ear canal and that contains a hearing aid.
56. "Introductory level of knowledge" means basic information related to the dispensing and fitting of a hearing aid.
57. "Jurat" has the same meaning as in A.R.S. § 41-311.
58. "Licensed audiologist" means an individual with a state's authorization to practice audiology in the authorizing state.
59. "Licensed hearing aid dispenser" means an individual with a state's authorization to fit and dispense hearing aids in the authorizing state.
60. "Licensed physician" means a doctor of medicine or a doctor of osteopathic medicine with a state's authorization to practice in the state.
61. "Listening tube" means a device used for evaluating the acoustic output of a hearing aid.
62. "Maintenance and servicing" means the procedures to keep a hearing aid working or to repair a hearing aid.
63. "Medical clearance" means a written statement:
- a. Signed by a licensed physician;
 - b. Stating that:
 - i. A client's hearing loss was medically evaluated, and
 - ii. The client may use hearing aids; and
 - c. Presented by the client before buying a hearing aid.
64. "Medical waiver" means a statement signed by a client who is at least age 18 declining a licensed physician's medical evaluation before buying a hearing aid.
65. "Middle ear" means the part of the ear, consisting of the eardrum, the middle ear bones, and the space containing the eardrum and middle ear bones, that conducts sound to the inner ear.
66. "On-site" means at a location where:
- a. An individual holding a temporary hearing aid dispenser license fits and dispenses hearing aids, and
 - b. Both the individual holding a temporary hearing aid dispenser license and the individual's sponsor are present.
67. "Organization" means:

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- a. A corporation.
 - b. A partnership.
 - c. A trust.
 - d. An unincorporated association.
 - e. A limited liability company.
 - f. A political subdivision or government agency, or
 - g. A sole proprietorship using at least one hearing aid dispenser with a license other than the owner.
68. "Otoscope" means a device for seeing inside the ear canal that includes:
- a. A light.
 - b. A magnifying lens, and
 - c. A funnel-shaped viewing piece that fits inside the ear canal.
69. "Packing box" means a container for shipping an earmold impression to an earmold fabrication laboratory.
70. "Person" has the same meaning as in A.R.S. § 41-1001(13).
71. "Political subdivision" means a county, city, town, school district, or other district established within a state.
72. "Practical portion" means the part of the hearing aid dispenser licensing examination that includes an examinee's demonstration of skills and responses to oral questions.
73. "Pure tone audiometry" means testing an individual's hearing by the use of sounds occurring at different frequencies and intensities.
74. "Residual hearing" means the measurable hearing that a hearing-impaired individual retains.
75. "Rounding" means the mathematical operation of raising or lowering a fractional number to the nearest whole number.
76. "Segment" means a subpart of the licensing examination specified in R9-16-305(C).
77. "Simulator" means an instrument that:
- a. Is not an audiometer.
 - b. Presents information similar to that obtained from audiometry, and
 - c. Is used to assess an individual's proficiency in administering and interpreting hearing tests.
78. "Sound field speaker" means a loudspeaker that changes electrical signals into sounds loud enough to be heard at a distance.

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79. "Speech audiometry" means testing an individual's speech discrimination by the use of words or sentences presented through an audiometer.
80. "Speech discrimination" means an individual's ability to understand spoken words.
81. "Sponsorship period" means the time during which an individual with a temporary hearing aid dispenser license is supervised by a sponsor.
82. "State" has the same meaning as in A.R.S. § 36-841.
83. "Supervision" means:
- a. Coordinating, watching, inspecting, and evaluating the hearing aid fitting and dispensing activities of an individual with a temporary hearing aid dispenser license; and
 - b. Accepting responsibility for the training and the hearing aid fitting and dispensing activities of the individual with a temporary hearing aid dispenser license.
84. "Telephone coil" means a hearing aid component that picks up sounds, such as voices or music, sent through an electromagnetic field.
85. "Testing technique" means a method used to measure hearing.
86. "Training" means planned instruction provided by a sponsor to an individual holding a temporary hearing aid dispenser license.
87. "Trial period" means the time during which a client can return a hearing aid and receive a full or partial refund of the hearing aid's purchase price.
88. "Written portion" means the part of the hearing aid dispenser licensing examination that includes an examinee's written responses to written questions.

R9-16-302. Appointed Committees

A. Advisory committee

1. ~~The advisory committee members appointed~~ Advisory Committee established by the Director pursuant Department according to A.R.S. § 36-1902(A)(1) and (C) A.R.S. § 36-1902, shall assist the Director by making make recommendations to the Department regarding the following:
- 1. ~~The hearing~~ Hearing aid dispenser licensing program,
 - 2. ~~The resolution of consumer complaints~~ Resolution of any consumer complaint referred to the committee by the Department involving alleged unethical conduct or incompetence by a dispenser,
 - 3. ~~The hearing~~ Hearing aid dispenser licensing examination,
 - 4. Membership on the ~~examining committee~~ Examining Committee, and

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5. Membership on the ~~advisory committee~~ Advisory Committee.
2. ~~Committee members shall serve a three-year term except for the Department's hearing aid dispenser program manager who shall serve as a permanent member of the committee.~~
- B. ~~Examining committee~~ The ~~examining committee members appointed~~ Examining Committee, established by the ~~Director pursuant~~ Department according to ~~A.R.S. § 36-1902(B)(4) and (D)~~ A.R.S. § 36-1902, shall assist the ~~Director~~ as follows:
 1. ~~Examine~~ Administer a licensing examination to applicants for ~~licensure~~ a hearing aid dispenser license by examination,
 2. Score ~~delegated sections~~ specified segments of the licensing examination,
 3. Provide testimony related to the licensing examination at administrative hearings ~~related to the examination for licensure~~, and
 4. Evaluate the licensing examination materials and the procedures for administering the examination and ~~make recommendations for change~~ recommend changes to the Department.
- C. Except for the hearing aid dispenser program manager, the Advisory Committee members appointed by the Department shall serve a three-year term.
- D. Except for the hearing aid dispenser program manager, the Examining Committee members appointed by the Department shall serve a five-year term.

R9-16-303. ~~Licensing Process~~ Individual License by Examination

~~A.~~For a hearing aid dispenser license by examination:

1. At least 75 days before the date the Department ~~gives~~ administers a hearing aid dispenser examination, an applicant shall submit to the Department a nonrefundable \$250 application fee and an application on a form provided by the Department that contains:
 - a. The applicant's name, social security number, home address, and home telephone number;
 - b. If applicable, the name of the applicant's employer and the employer's business address and business telephone number;
 - c. Whether the applicant has been convicted in any state of a felony or of a misdemeanor involving moral turpitude, and if so, a list that includes for each conviction:
 - i. The offense or offenses,
 - ii. The conviction date, and

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- iii. The state where the conviction occurred;
 - d. Whether the applicant currently has or had, within the five years before the application date, a condition that impairs the applicant's ability to dispense hearing aids safely;
 - e. A statement that the applicant completed at least a four-year course in an accredited high school or passed the general education development tests and:
 - i. A list of each high school and post-secondary school attended; and
 - ii. A copy of the applicant's high school diploma, general education development diploma, or post-secondary degree;
 - f. A list of each state that has issued the applicant a hearing aid dispenser license;
 - g. Whether:
 - i. Any state has, within the two years before the application date, suspended or revoked a hearing aid dispenser license issued to the applicant; and
 - ii. The applicant currently is not eligible to apply for a hearing aid dispenser license in any state due to a suspension or revocation; and
 - h. A statement signed by the applicant verifying the truthfulness of the information provided on the application form.
- ~~2. The Department shall give one hearing aid dispenser examination in August and may give additional examinations according to A.R.S. § 36-1923(C).~~
- ~~3.~~ 2. According to R9-16-315 and Table 1, the Department shall ~~notify~~ send a notice to an applicant:
- ~~a. By certified mail to the applicant's address on the application, that the applicant does not meet the requirements of A.R.S. § 36-1923(A) and subsection (A)(1) and the Department denies a regular hearing aid dispenser license to the applicant; or.~~
 - a. That the applicant does not meet the requirements of A.R.S. § 36-1923(A) and subsection (1):
 - i. By certified mail to the applicant's address on the application, and
 - ii. Denying a hearing aid dispenser license to the applicant; or
 - ~~b. By regular mail to the applicant's address on the application, that the applicant meets the requirements of A.R.S. § 36-1923(A) and subsection (A)(1).~~
 - b. That the applicant meets the requirements in A.R.S. § 36-1923(A) and subsection (1):

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- i. By regular mail to the applicant's address on the application, and
 - ii. Including the date, time, and place of the next scheduled examination.
4. 3. According to R9-16-315 and Table 1, the Department shall notify an applicant whose examination results do not meet the ~~requirements~~ standards for passing established in R9-16-305 R9-16-305(G)(1), R9-16-305(G)(3), and R9-16-305(G)(4):
 - a. By certified mail to the applicant's address on the application, unless the applicant provided a different address at the examination;
 - b. Of the applicant's examination results; and
 - c. That the Department denies a ~~regular~~ hearing aid dispenser license to the applicant.
5. 4. According to R9-16-315 and Table 1, the Department shall notify an applicant whose examination results meet the ~~requirements~~ standards for passing established in R9-16-305 R9-16-305(G)(1), R9-16-305(G)(3), and R9-16-305(G)(4):
 - a. By regular mail to the applicant's address on the application, unless the applicant provided a different address at the examination;
 - b. Of the applicant's examination results; and
 - c. That the Department ~~approves~~ grants a ~~regular~~ hearing aid dispenser license ~~for~~ to the applicant.
6. 5. The Department shall issue a ~~regular~~ hearing aid dispenser license to an applicant who is notified under subsection ~~(A)(5)~~ (4) and who submits to the Department a ~~nonrefundable~~ \$100 license fee. If the applicant does not submit the license fee within 30 days after the date of the ~~notification in~~ subsection ~~(A)(5)~~ (4) ~~notification~~, the Department shall consider the application withdrawn. The applicant may reapply by submitting the application fee and information required in subsection ~~(A)(1)~~ (1) at least 75 days before the date the Department gives a hearing aid dispenser examination.
7. 6. If an applicant who was notified under subsection ~~(A)(3)(b)~~ (2)(b), who is an examinee, and who does not take the examination on the date provided in the notification, the Department shall consider the ~~application withdrawn~~ examination failed and shall deny a hearing aid dispenser license to the applicant. ~~The applicant may reapply by submitting the application fee and information required in subsection (A)(1) at least 75 days before the date the Department gives a hearing aid dispenser examination.~~
8. 7. ~~Except for an applicant who fails the hearing aid dispenser examination three times, an~~ An applicant who fails an a licensing examination may reapply to take the next examination by submitting to the Department the application fee and information

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required in subsection ~~(A)(4)~~ (1) at least 75 days before the date the Department gives a hearing aid dispenser examination-, except for an applicant who:

- a. Fails the examination three times; or
- b. Based on the Department's determination, cheated during the examination.

- ~~9. 8.~~ An applicant who fails the hearing aid dispenser examination three times may reapply by submitting the application fee and information required under subsection ~~(A)(4)~~ (1) no earlier than one year after the date of the third examination failed by the applicant.
- 9. An applicant who fails the licensing examination because the Department determined that the applicant cheated during the examination may reapply by submitting the application fee and information required under subsection (1) no earlier than two years after the date of the examination failed by the applicant because of cheating.
- 10. An applicant who is denied a ~~regular~~ hearing aid dispenser license by examination may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.

B. ~~For a hearing aid dispenser license by reciprocity:~~

- ~~1.~~ An applicant shall submit to the Department an application packet that contains:
 - ~~a.~~ A nonrefundable \$100 application fee and a \$100 license fee;
 - ~~b.~~ An application on a form provided by the Department with the information required in subsections ~~(A)(1)(a)~~ through ~~(A)(1)(h)~~ and:
 - ~~i.~~ The name of each state that issued the applicant a current hearing aid dispenser license;
 - ~~ii.~~ The license number of each current hearing aid dispenser license; and
 - ~~iii.~~ The date each current hearing aid dispenser license was issued; and
 - ~~c.~~ For each state named in subsection ~~(B)(1)(b)(i)~~:
 - ~~i.~~ A statement, on the letterhead of the government agency that issued the hearing aid dispenser license and signed by an officer of the government agency, that the applicant holds a current hearing aid dispenser license in good standing;
 - ~~ii.~~ A copy of the state statutes and administrative rules for hearing aid dispensers;
 - ~~iii.~~ A copy of the written and practical portions of a hearing aid dispenser examination taken by the applicant or a detailed description of each portion of the examination;
 - ~~iv.~~ The government agency's statement of the applicant's score on each section of a hearing aid dispenser examination taken by the applicant, of

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- ~~the minimum passing score for each section, and of the minimum passing score for the examination; and~~
- v. ~~A copy of the applicant's current license.~~
2. ~~Based on the information submitted under subsections (B)(1)(b) and (B)(1)(c), the Department shall determine whether:~~
- a. ~~The content of a hearing aid dispenser examination taken by the applicant is substantially the same as the content of the Department's examination as described in R9-16-306;~~
- b. ~~The applicant's scores on the written and practical portions of a hearing aid dispenser examination taken by the applicant meet the requirements in R9-16-305 for passing the Department's hearing aid dispenser examination; and~~
- c. ~~The applicant meets the requirements in A.R.S. §§ 36-1922 and 36-1923(A) and subsections (B)(1), (B)(2)(a), and (B)(2)(b) for a regular hearing aid dispenser license by reciprocity.~~
3. ~~If an applicant meets the requirements in the statutes and rules listed in subsection (B)(2)(c), the Department shall:~~
- a. ~~According to R9-16-315 and Table 1, notify the applicant:~~
- i. ~~By regular mail to the applicant's address on the application, and~~
- ii. ~~That the Department approves a regular hearing aid dispenser license by reciprocity for the applicant; and~~
- b. ~~Issue a regular hearing aid dispenser license by reciprocity to the applicant.~~
4. ~~If an applicant does not meet a requirement in the statutes and rules listed in subsection (B)(2)(c), the Department shall:~~
- a. ~~According to R9-16-315 and Table 1, notify the applicant:~~
- i. ~~By certified mail to the applicant's address on the application, and~~
- ii. ~~That the Department denies a regular hearing aid dispenser license by reciprocity to the applicant; and~~
- b. ~~Return the license fee to the applicant.~~
5. ~~An applicant who is denied a regular hearing aid dispenser license by reciprocity may:~~
- a. ~~Appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10; and~~
- b. ~~Apply for:~~
- i. ~~A regular hearing aid dispenser license by examination by submitting the application fee and information required in subsection (A)(1) at least 75 days before the date the Department gives a hearing aid dispenser~~

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~~examination, or~~

- ~~ii. A temporary hearing aid dispenser license by submitting the application fee and information required in subsection (D)(1).~~

~~C. For an organization hearing aid dispenser license:~~

- ~~1. A corporation, partnership, trust, unincorporated association, or other organization with an Arizona business address shall submit to the Department a nonrefundable \$100 application fee, a \$100 license fee, and an application on a form provided by the Department that contains:~~
 - ~~a. The name of the organization;~~
 - ~~b. The organization's Arizona business name, address, and telephone number;~~
 - ~~c. The name, address, and telephone number of the individual authorized by the organization to receive service of process in Arizona for the organization;~~
 - ~~d. The name, business telephone number, and Arizona hearing aid dispenser license number of each hearing aid dispenser employed by the organization in Arizona;~~
 - ~~e. Whether the organization or a hearing aid dispenser working for the organization has had a hearing aid dispenser license suspended or revoked by any state within two years before the application date;~~
 - ~~f. Whether the organization or a hearing aid dispenser working for the organization currently is not eligible for licensing in any state due to a suspension or revocation; and~~
 - ~~g. A statement verifying the truthfulness of the information provided on the application form and signed by:~~
 - ~~i. If the organization is a corporation, two officers;~~
 - ~~ii. If the organization is a partnership, two partners;~~
 - ~~iii. If the organization is a trust, the trustee, or two trustees if the trust has multiple trustees;~~
 - ~~iv. If the organization is an unincorporated association, two officers;~~
 - ~~v. If the organization is a limited liability company, the designated manager, or two members if a manager is not designated;~~
 - ~~vi. If the organization is a political subdivision or government agency, the political subdivision head or agency head; or~~
 - ~~vii. If the organization is a sole proprietorship, the owner.~~
- ~~2. If an organization meets the requirements in A.R.S. § 36-1910 and subsection (C)(1), the Department shall:~~

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- a. ~~According to R9-16-315 and Table 1, notify the organization:~~
 - i. ~~By regular mail to the organization's Arizona business address on the application, and~~
 - ii. ~~That the Department approves a regular hearing aid dispenser license for the organization; and~~
 - b. ~~Issue a regular hearing aid dispenser license to the organization.~~
3. ~~If an organization does not meet the requirements in A.R.S. § 36-1910 and subsection (C)(1), the Department shall:~~
- a. ~~According to R9-16-315 and Table 1, notify the organization:~~
 - i. ~~By certified mail to the organization's Arizona business address on the application, and~~
 - ii. ~~That the Department denies a regular hearing aid dispenser license to the organization; and~~
 - b. ~~Return the license fee to the organization.~~
4. ~~An organization notified under subsection (C)(3) may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.~~
- D.** ~~For a temporary hearing aid dispenser license:~~
- 1. ~~An applicant shall submit to the Department a nonrefundable \$100 application fee and an application on forms provided by the Department that contain:~~
 - a. ~~The information required in subsections (A)(1)(a) through (A)(1)(h);~~
 - b. ~~The sponsor's name, business address, business telephone number, and Arizona hearing aid dispenser license number; and~~
 - c. ~~A statement signed by the sponsor that the sponsor is a licensed hearing aid dispenser who agrees to train, supervise, and be responsible for the applicant's hearing aid dispenser practice.~~
 - 2. ~~According to R9-16-315 and Table 1, the Department shall notify:~~
 - a. ~~An applicant who does not meet the requirements in A.R.S. § 36-1926 and subsection (D)(1):~~
 - i. ~~By certified mail to the applicant's address on the application, and~~
 - ii. ~~That the Department denies a temporary hearing aid dispenser license to the applicant; or~~
 - b. ~~An applicant who meets the requirements in A.R.S. § 36-1926 and subsection (D)(1):~~
 - i. ~~By regular mail to the applicant's address on the application, and~~

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- ii. ~~That the Department approves a temporary hearing aid dispenser license for the applicant.~~
- 3. ~~The Department shall issue a temporary hearing aid dispenser license to an applicant who is notified under subsection (D)(2)(b) and who submits to the Department a nonrefundable \$100 license fee. If the applicant does not submit the license fee within 30 days after the date of the notification in subsection (D)(2)(b), the Department shall consider the application withdrawn. The applicant may reapply by submitting the application fee and information required in subsection (D)(1).~~
- 4. ~~An applicant notified under subsection (D)(2)(a) may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.~~

R9-16-303.01. Individual License by Reciprocity

For a hearing aid dispenser license by reciprocity:

- 1. An applicant shall submit to the Department an application packet that contains:
 - a. A nonrefundable \$100 application fee and a \$100 license fee;
 - b. An application on a form provided by the Department with the information required in R9-16-303(1)(a) through R9-16-303(1)(h) and:
 - i. The name of each state that issued the applicant a current hearing aid dispenser license,
 - ii. The license number of each current hearing aid dispenser license, and
 - iii. The date each current hearing aid dispenser license was issued; and
 - c. For each state named in subsection (1)(b)(i):
 - i. A statement, on the letterhead of the government agency that issued the hearing aid dispenser license and signed by an officer of the government agency, that the applicant holds a current hearing aid dispenser license in good standing;
 - ii. A copy of the state statutes and administrative rules for hearing aid dispensers;
 - iii. A copy of the written and practical portions of a hearing aid dispenser examination taken by the applicant or a detailed description of each portion of the examination;
 - iv. The government agency's statement of the applicant's score on each section of a hearing aid dispenser examination taken by the applicant, of the minimum passing score for each section, and of the minimum passing score for the examination; and

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- v. A copy of the applicant's current license.
- 2. Based on the information submitted under subsections (1)(b) and (1)(c), the Department shall determine whether:
- a. The content of a hearing aid dispenser examination taken by the applicant is substantially the same as the content of the Department's examination as described in R9-16-305(F);
 - b. The applicant's scores on the written and practical portions of a hearing aid dispenser examination taken by the applicant meet the standards established in R9-16-305(G) for passing the Department's hearing aid dispenser examination; and
 - c. The applicant meets the requirements in A.R.S. §§ 36-1922 and 36-1923(A) and subsections (1), (2)(a), and (2)(b) for a hearing aid dispenser license by reciprocity.
- 3. If an applicant meets the requirements in the statutes and rules listed in subsection (2)(c), the Department shall issue a hearing aid dispenser license by reciprocity to the applicant:
- a. According to R9-16-315 and Table 1, and
 - b. By regular mail to the applicant's address on the application.
- 4. If an applicant does not meet a requirement in the statutes and rules listed in subsection (2)(c), the Department shall:
- a. According to R9-16-315 and Table 1, notify the applicant:
 - i. By certified mail to the applicant's address on the application, and
 - ii. That the Department denies a hearing aid dispenser license by reciprocity to the applicant; and
 - b. Return the license fee to the applicant.
- 5. An applicant who is denied a hearing aid dispenser license by reciprocity may:
- a. Appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10; and
 - b. Apply for:
 - i. A hearing aid dispenser license by examination by submitting the application fee and information required in R9-16-303(1) at least 75 days before the date the Department gives a hearing aid dispenser examination, or
 - ii. A temporary hearing aid dispenser license by submitting the application fee and information required in R9-16-303.03(1).

R9-16-303.02. Organization License

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For an organization hearing aid dispenser license:

1. An organization with an Arizona business address shall submit to the Department a nonrefundable \$100 application fee, a \$100 license fee, and an application on a form provided by the Department that contains:
 - a. The name of the organization;
 - b. The organization's Arizona business name, address, and telephone number;
 - c. The name, address, and telephone number of the individual authorized by the organization to receive service of process in Arizona for the organization;
 - d. The name, business telephone number, and Arizona hearing aid dispenser license number of each hearing aid dispenser employed by the organization in Arizona;
 - e. Whether the organization or a hearing aid dispenser working for the organization has had a hearing aid dispenser license suspended or revoked by any state within two years before the application date;
 - f. Whether the organization or a hearing aid dispenser working for the organization currently is not eligible for licensing in any state due to a suspension or revocation; and
 - g. A statement verifying the truthfulness of the information provided on the application form and signed by:
 - i. If the organization is a corporation, two officers;
 - ii. If the organization is a partnership, two partners;
 - iii. If the organization is a trust, the trustee, or two trustees if the trust has multiple trustees;
 - iv. If the organization is an unincorporated association, two officers;
 - v. If the organization is a limited liability company, the designated manager, or two members if a manager is not designated;
 - vi. If the organization is a political subdivision or government agency, the political subdivision head or agency head; or
 - vii. If the organization is a sole proprietorship using at least one hearing aid dispenser with a license other than the owner, the owner.
2. If an organization meets the requirements in A.R.S. § 36-1910 and subsection (1), the Department shall issue a hearing aid dispenser license to the organization:
 - a. According to R9-16-315 and Table 1, and
 - b. By regular mail to the organization's Arizona business address on the application.

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3. If an organization does not meet the requirements in A.R.S. § 36-1910 and subsection (1), the Department shall:
 - a. According to R9-16-315 and Table 1, notify the organization:
 - i. By certified mail to the organization's Arizona business address on the application, and
 - ii. That the Department denies a hearing aid dispenser license to the organization; and
 - b. Return the license fee to the organization.
4. An organization notified under subsection (3) may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.

R9-16-303.03. Temporary License

For a temporary hearing aid dispenser license:

1. An applicant shall submit to the Department a nonrefundable \$100 application fee and an application form provided by the Department that contains:
 - a. The information required in R9-16-303(1)(a) through R9-16-303(1)(h);
 - b. The sponsor's name, business address, business telephone number, and Arizona hearing aid dispenser license number; and
 - c. A statement signed by the sponsor that the sponsor is a licensed hearing aid dispenser who agrees to provide supervision and training, and be responsible for the applicant's fitting and dispensing of hearing aids during the sponsorship period.
2. According to R9-16-315 and Table 1, the Department shall notify:
 - a. An applicant who does not meet the requirements in A.R.S. § 36-1926 and subsection (1):
 - i. By certified mail to the applicant's address on the application, and
 - ii. That the Department denies a temporary hearing aid dispenser license to the applicant; or
 - b. An applicant who meets the requirements in A.R.S. § 36-1926 and subsection (1):
 - i. By regular mail to the applicant's address on the application, and
 - ii. That the Department grants a temporary hearing aid dispenser license to the applicant.
3. The Department shall issue a temporary hearing aid dispenser license to an applicant who is notified under subsection (2)(b) and who submits to the Department a \$100 license fee.

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If the applicant does not submit the license fee within 30 days after the date of the notification in subsection (2)(b), the Department shall consider the application withdrawn. The applicant may reapply by submitting the application fee and information required in subsection (1).

4. An applicant notified under subsection (2)(a) may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.

R9-16-304. Sponsors

~~A sponsor of a temporary dispenser shall be responsible for the following:~~

- ~~1. Providing a minimum of 64 hours per month of onsite training and supervision. The supervision shall include coordinating, directing, watching, inspecting, and evaluating the fitting and dispensing activities of the temporary dispenser. The training shall directly relate to the type of training and education needed to pass the licensing examination as described in A.R.S. § 36-1924.~~
- ~~2. Maintaining a record, signed by the temporary dispenser, that details the date, time and content of the training and supervision provided to the temporary dispenser by the sponsor during the sponsorship period. The record shall be maintained and available for inspection by the Department for one year following the end of the sponsorship agreement.~~
- ~~3. When terminating a sponsorship agreement, complying with the following:~~
 - ~~a. Provide a written statement to the temporary dispenser indicating the sponsorship agreement is terminated and that the temporary dispenser shall return the temporary license to the Department, and~~
 - ~~b. Provide a copy of the written statement of termination and documentation that the temporary dispenser received the termination notice to the Department.~~
- ~~4. Complying with the other requirements in A.R.S. § 36-1926.01.~~

Under A.R.S. § 36-1905, a sponsor of an individual holding a temporary hearing aid dispenser license under R9-16-303.03, R9-16-307.02, or R9-16-310.02 shall:

1. In each month of the sponsorship period, provide at least 64 hours of supervision and training that takes place on-site;
2. Maintain a record, signed by the individual holding the temporary hearing aid dispenser license, that:
 - a. Includes the date, time, and content of the training and supervision provided by the sponsor during the sponsorship period; and

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- b. Is retained and available for the Department's inspection for one year after the date the sponsorship terminates; and
3. When terminating a sponsorship, provide:
 - a. To the individual holding the temporary hearing aid dispenser license, a dated and written notice of termination that states that:
 - i. The sponsorship is terminated,
 - ii. The temporary hearing aid dispenser license terminates according to A.R.S. § 36-1926(D),
 - iii. The individual holding the temporary hearing aid dispenser license shall return the temporary hearing aid dispenser license to the Department by regular mail post-marked within five business days after the date of the notice of termination; and
 - b. To the Department, by regular mail post-marked within five business days after the date of the notice of termination:
 - i. A copy of the notice of termination, and
 - ii. A statement signed by the sponsor that the individual holding the temporary hearing aid dispenser license received the notice of termination.

R9-16-305. Licensing Examination for Licensure

- A.** ~~An applicant, upon appearing at the examination site, shall present a current driver's license or other government issued photo identification before the applicant shall be allowed to take the examination.~~
- B.** ~~An applicant who fails to arrive for, or is not allowed to take, the examination pursuant to subsection (A) may reapply for the next scheduled examination by submitting all fees and information required in R9-16-303.~~
- C.** ~~An applicant admitted late for the examination shall be limited to the time remaining to complete the examination.~~
- D.** ~~An applicant found cheating shall fail the examination and shall be ineligible to take the examination or renew a hearing aid license for two years.~~
- E.** ~~Each applicant shall bring another person who is not taking the examination to the examination to serve as a test subject along with impression material, cotton or foam dam, syringe, horoscope, and packing box to take an impression of the test subject's ear canal for the purpose of fitting a hearing aid. The applicant may bring additional equipment and material to accomplish this task.~~

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- F.** ~~Each applicant shall bring to the examination an horoscope, a listening tube, and a screwdriver to evaluate different types and models of hearing aids and to identify the major problem that renders the hearing aid inoperable. the applicant may bring additional equipment to accomplish this task.~~
- G.** ~~The successful applicant shall pass a practical and written examination with a combined average score of 75% or above for the two parts of the examination; however, no more than one section of either the practical or the written examination shall have a score under 75%. A rounding procedure shall not be used in determining any score.~~
- A.** The Department shall provide one hearing aid dispenser examination in August and may provide additional examinations according to A.R.S. § 36-1923(C).
- B.** At the examination site, an examinee shall present a valid photo identification issued by the United States, a state, or a political subdivision of a state before being allowed to take the examination.
- C.** If an examinee arrives at the examination site:
1. Up to 30 minutes after the time stated in the Department's notification to the examinee of the date, time, and place of the examination, the examinee:
 - a. Shall be allowed to take the examination, and
 - b. Shall not have additional time to complete the examination; and
 2. More than 30 minutes after the time stated in the Department's notification to the examinee of the date, time, and place of the examination, the examinee shall not be allowed to take the examination.
- D.** To be allowed to take the examination, an examinee shall bring to the examination site:
- 1 An individual who is not taking the examination to serve as a test subject;
 2. A document signed by the test subject stating that the test subject holds the Department, its employees, and its agents harmless for any act or omission at the examination site;
 3. Impression material;
 4. Cotton or foam dam;
 5. A syringe;
 6. An otoscope;
 7. A packing box;
 8. A listening tube; and
 9. A screwdriver.
- E.** An examinee may bring to the examination site other equipment or supplies allowed by the Department for the practical portion of the examination.
- F.** The examination shall contain:

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1. A practical portion that includes the following segments:
 - a. Taking an earmold impression and responding to oral questions on earmold impressions, earmold problems, and the effects of various earmold modifications or modifications of an in-the-ear shell;
 - b. Identifying middle ear conditions, selecting an appropriate hearing aid based on audiogram review, and maintaining and servicing hearing aids;
 - c. Responding to oral questions on pure tone audiometry and obtaining air conduction thresholds and bone conduction thresholds using simulators;
 - d. Responding to oral questions on speech audiometry, and
 - e. Responding to oral questions on counseling clients on hearing aid use and care and explaining the bill of sale; and
2. A written portion that includes the following segments:
 - a. Written questions provided by the International Hearing Society; and
 - b. Written questions provided by the Department on:
 - i. Arizona statutes and administrative rules,
 - ii. Federal regulations, and
 - iii. Evaluation and auditory rehabilitation services for the hearing impaired in Arizona.

G. The Department shall determine that an examinee:

1. Passed the examination if the examinee achieves a combined average result of at least 75 percent, determined by:
 - a. Adding the points received for each segment of the practical portion listed in subsection (F)(1),
 - b. Dividing the sum obtained under subsection (G)(1)(a) by the total possible points for the practical portion and multiplying by 100 to obtain a percentage,
 - c. Adding the points received for each segment of the written portion of the examination listed in subsection (F)(2),
 - d. Dividing the sum obtained under subsection (G)(1)(c) by the total possible points for the written portion and multiplying by 100 to obtain a percentage,
 - e. Adding the percentages obtained under subsection (G)(1)(b) and subsection (G)(1)(d) and dividing by 2; and
 - f. Without rounding up or down to the nearest whole number;
2. Failed the examination if the examinee does not take the examination;

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3. Regardless of the result under subsection (G)(1), failed the examination if the examinee has a result of less than 75 percent on at least two of the segments listed in subsection (F), determined by:
 - a. Dividing the points received for each segment by the total possible points for the segment and multiplying by 100 to obtain a percentage, and
 - b. Without rounding up or down to the nearest whole number; or
4. Regardless of the results under subsections (G)(1) and (G)(3), failed the examination if the Department determines that the examinee cheated during the examination.

R9-16-306. Structure of the Examination Repealed

- ~~A. The written and practical part of the examination shall be administered on the same day. The practical part shall include the following subjects:~~
- ~~1. Identification of medical aspects or conditions relating to abnormal middle ear problems;~~
 - ~~2. Oral exam on pure tone audiometry;~~
 - ~~3. Oral exam on speech audiometry;~~
 - ~~4. Obtaining air and bone conduction thresholds using simulators;~~
 - ~~5. Hearing aid maintenance and service;~~
 - ~~6. Selecting a particular hearing aid based on an audiogram review;~~
 - ~~7. Determining the effects of different earmold modifications, and~~
 - ~~8. Taking an earmold impression.~~
- ~~B. The written part of the examination shall contain the following:~~
- ~~1. Examination booklet provided by the International Hearing Society;~~
 - ~~2. Questions on the Arizona Revised Statutes, and Arizona and federal rules; and~~
 - ~~3. Questions on the evaluation and rehabilitation services for the hearing impaired in Arizona.~~

R9-16-307. License Renewal of an Individual License

- ~~A. This subsection applies to~~ For ~~renewal of a hearing aid dispenser license initially issued under R9-16-303(A) R9-16-303 or R9-16-303(B) R9-16-303.01-;~~
1. A Before the license expiration date, a hearing aid dispenser shall submit to the Department, ~~before the license expiration date~~ an application packet, including:
 - a. A nonrefundable \$100 license renewal fee,
 - b. Confirmation of CE hours according to R9-16-308(C) and R9-16-308(D) R9-16-308(E) or R9-16-308(F), and
 - c. A license renewal application on a form provided by the Department that contains:

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- i. The hearing aid dispenser's name, social security number, home address, and home telephone number;
 - ii. If applicable, the name of the hearing aid dispenser's employer and the employer's business address and business telephone number;
 - iii. The hearing aid dispenser's license number and expiration date;
 - iv. Whether the hearing aid dispenser has been convicted of a felony or of a misdemeanor involving moral turpitude since the hearing aid dispenser's previous license application;
 - v. Whether the hearing aid dispenser has had, within two years before the renewal application date, a hearing aid dispenser license suspended or revoked by any state;
 - vi. Whether the hearing aid dispenser currently is under investigation by any state or government agency, has a disciplinary action pending in any state, or has an agreement with any state or government agency that resolves a violation by the hearing aid dispenser; and
 - vii. A statement signed by the hearing aid dispenser verifying the truthfulness of the information on the application form.
2. According to A.R.S. § 36-1904(B), the Department shall allow a hearing aid dispenser to renew the license within 30 days after the expiration date of the license by submitting to the Department the information and renewal fee required in subsection ~~(A)(1)~~ (1) and a nonrefundable \$25 late fee.
3. If a hearing aid dispenser does not meet the requirements in A.R.S. § 36-1904 and subsections ~~(A)(1)~~ (1) and ~~(A)(2)~~ (2), the Department shall notify the hearing aid dispenser:
 - a. According to R9-16-315 and Table 1~~2~~₂;
 - b. By certified mail to the hearing aid dispenser's address on the renewal application~~, and~~_;
 - c. That the Department denies a renewal license to the hearing aid dispenser~~; and~~_;
 - d. If applicable, whether the Department counts toward the R9-16-308(A) CE requirement any instruction programs for which the hearing aid dispenser submitted information according to R9-16-308(F).
4. If a hearing aid dispenser meets the requirements in A.R.S. § 36-1904 and subsections ~~(A)(1)~~ (1) and ~~(A)(2)~~ (2), the Department shall issue a renewal license, valid for one year after the expiration date of the previous license, to the hearing aid dispenser:

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- a. ~~Notify the hearing aid dispenser:~~
 - ~~i.a.~~ According to R9-16-315 and Table 1;
 - ~~ii.b.~~ By regular mail to the hearing aid dispenser's address on the renewal application; and
 - ~~iii.~~ That the Department approves a renewal license for the hearing aid dispenser; and
 - c. If applicable, whether the Department counts toward the R9-16-308(A) CE requirement any instruction programs for which the hearing aid dispenser submitted information according to R9-16-308(F).
 - b. ~~Issue a renewal license, valid for one year after the expiration date of the previous license, to the hearing aid dispenser.~~
5. An individual notified under subsection ~~(A)(3)~~ (3) may appeal the denial of a renewal license according to A.R.S. Title 41, Chapter 6, Article 10.
6. If a hearing aid dispenser does not submit to the Department, within 30 days after the expiration date of the previous license, the renewal fee and information required in subsection ~~(A)(1)~~ (1) and the late fee required in subsection ~~(A)(2)~~ (2):
- a. ~~the~~ The license is nonrenewable; and
 - b. The individual may apply for a new license under ~~subsection (A)(7)~~ R9-16-310 or subsection ~~(A)(8)~~ (7).
7. ~~An individual whose hearing aid dispenser license is nonrenewable under subsection (A)(6) may apply for a new license by submitting to the Department, within one year after the expiration date of the nonrenewable license:~~
- a. ~~A nonrefundable \$100 application fee,~~
 - b. ~~A \$100 license fee,~~
 - c. ~~The information required in R9-16-303(A)(1)(a) through R9-16-303(A)(1)(h), and~~
 - d. ~~Confirmation of CE hours according to R9-16-308(C) and R9-16-308(D).~~
- ~~8.~~ 7. An individual who applies for a new license more than one year after the expiration date of a license that is nonrenewable under subsection ~~(A)(6)~~ (6) shall follow the licensing process in ~~R9-16-303(A)~~ R9-16-303.
- B.** ~~This subsection applies to renewal of a hearing aid dispenser license initially issued under R9-16-303(C).~~
1. ~~An organization renewing a hearing aid dispenser license shall submit to the Department the information required in R9-16-303(C)(1)(a) through R9-16-303(C)(1)(g) and a~~

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~~nonrefundable \$100 renewal fee. According to A.R.S. § 36-1904(B), the Department shall assess a \$25 late fee for a renewal application submitted within 30 days after the expiration of the previous license.~~

2. ~~If an organization meets the requirements in A.R.S. § 36-1910 and subsection (B)(1), the Department shall:~~
 - a. ~~Notify the organization:~~
 - i. ~~According to R9-16-315 and Table 1,~~
 - ii. ~~By regular mail to the organization's address on the application, and~~
 - iii. ~~That the Department approves a renewal license for the organization; and~~
 - b. ~~Issue a renewal license to the organization.~~
 3. ~~If an organization does not meet the requirements in A.R.S. § 1910 and subsection (B)(1), the Department shall notify the organization:~~
 - a. ~~According to R9-16-315 and Table 1,~~
 - b. ~~By certified mail to the organization's address on the application, and~~
 - c. ~~That the Department denies a renewal license to the organization.~~
 4. ~~An organization notified under subsection (B)(3) may appeal the denial of a renewal license according to A.R.S. Title 41, Chapter 6, Article 10.~~
 5. ~~If an organization does not submit to the Department, within 30 days after the expiration of the previous license, the renewal fee and information required in subsection (B)(1) and the \$25 late fee, the license is nonrenewable. The organization may apply for a new organization hearing aid dispenser license according to subsection R9-16-303(C)(1).~~
- C. ~~This subsection applies to renewal of an initial temporary hearing aid dispenser license issued under R9-16-303(D).~~
1. ~~An individual whose temporary hearing aid dispenser license expires according to A.R.S. §§ 36-1926(B) or 36-1926(G) may renew the license according to subsection (C)(2) without taking the next hearing aid dispenser examination.~~
 2. ~~According to A.R.S. §§ 36-1926(E) and 36-1926(F), the Department shall allow one renewal of a temporary hearing aid dispenser license by submitting to the Department, by the expiration date of the initial temporary hearing aid dispenser license, a nonrefundable \$100 renewal fee and the following:~~
 - a. ~~The individual's name, home address, and home telephone number;~~
 - b. ~~The name of the individual's employer and the employer's business address and business telephone number; and~~
 - c. ~~The information required in R9-16-303(D)(1)(a) through R9-16-303(D)(1)(c).~~

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3. ~~If an individual meets the requirements in A.R.S. § 36-1926 and subsection (C)(2), the Department shall:~~
 - a. ~~Notify the individual:~~
 - i. ~~According to R9-16-315 and Table 1,~~
 - ii. ~~By regular mail to the individual's address on the renewal application,~~
~~and~~
 - iii. ~~That the Department approves a renewal license for the individual; and~~
 - b. ~~Issue a renewal license to the individual.~~
4. ~~If an individual does not meet the requirements in A.R.S. § 36-1926 and subsection (C)(2), the Department shall and notify the individual:~~
 - a. ~~According to R9-16-315 and Table 1,~~
 - b. ~~By certified mail to the individual's address on the renewal application, and~~
 - c. ~~That the Department denies a renewal license to the individual.~~
5. ~~An individual notified under subsection (C)(4) may appeal the denial of a renewal license according to A.R.S. Title 41, Chapter 6, Article 10.~~
6. ~~If an individual does not submit the renewal fee and information required in subsection (C)(2) by the expiration date of the initial temporary hearing aid dispenser license, the license is nonrenewable. The individual may apply for a new temporary hearing aid dispenser license by submitting the application fee and information required in R9-16-303(D)(1).~~
7. ~~An individual whose initial temporary hearing aid dispenser license terminates according to A.R.S. § 36-1926(D) may apply for a new temporary hearing aid dispenser license by submitting the application fee and information required in subsection R9-16-303(D)(1).~~

R9-16-307.01. Renewal of an Organization License

- A.** An organization wishing to renew a hearing aid dispenser license shall submit to the Department an application packet, including:
 1. The information required in R9-16-303.02(1)(a) through R9-16-303.02(1)(g);
 2. A \$100 license renewal fee; and
 3. If submitted within 30 days after the expiration of the previous license under A.R.S. § 36-1904(B), a nonrefundable \$25 late fee.
- B.** If an organization meets the requirements in A.R.S. § 36-1910 and subsection (A), the Department shall issue a renewal license to the organization:
 1. According to R9-16-315 and Table 1, and
 2. By regular mail to the organization's address on the application.

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C. If the organization does not meet the requirements in A.R.S. § 36-1910 and subsection (A), the Department shall notify the organization:

1. According to R9-16-315 and Table 1,
2. By certified mail to the organization's address on the application, and
3. That the Department denies a renewal license to the organization.

D. An organization notified under subsection (C) may appeal the denial of a renewal license according to A.R.S. Title 41, Chapter 6, Article 10.

E. If an organization does not submit to the Department, within 30 days after the expiration of the previous license, the renewal fee and information required in subsection (A) and the nonrefundable \$25 late fee, the license is nonrenewable. The organization may apply for a new organization hearing aid dispenser license according to subsection R9-16-310.01.

R9-16-307.02. Renewal of a Temporary License

A. Before the expiration date of the license according to A.R.S. §§ 36-1926(B) or 36-1926(G), the individual holding the license may renew the license one time according to subsection (B) without taking the next hearing aid dispenser examination.

B. For the one-time renewal of an initial temporary hearing aid dispenser license, the individual holding the initial temporary license shall submit to the Department an application packet, including:

1. A \$100 license renewal fee,
2. The individual's name, social security number, home address, and home telephone number;
3. The name of the individual's employer and the employer's business address and business telephone number; and
4. The information required in R9-16-303.03(1)(a) through R9-16-303.03(1)(c).

C. If an individual meets the requirements in A.R.S. § 36-1926 and subsections (A) and (B), the Department shall issue a renewal license to the individual:

1. According to R9-16-315 and Table 1, and
2. By regular mail to the individual's address on the renewal application.

D. If an individual does not meet the requirements in A.R.S. § 36-1926 and subsections (A) and (B), the Department shall notify the individual:

1. According to R9-16-315 and Table 1,
2. By certified mail to the individual's address on the renewal application, and
3. That the Department denies a renewal license to the individual.

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- E.** An individual notified under subsection (D) may appeal the denial of a renewal license according to A.R.S. Title 41, Chapter 6, Article 10.
- F.** If an individual does not submit the renewal fee and information required in subsection (B) by the expiration date of the initial temporary hearing aid dispenser license:
1. The license is nonrenewable, and
 2. The individual may apply for a new temporary hearing aid dispenser license by submitting the application fee and information required in R9-16-310.02.
- G.** An individual whose initial temporary hearing aid dispenser license terminates according to A.R.S. § 36-1926(D) may apply for a new temporary license by submitting the application fee and information required in subsection R9-16-310.02.
- H.** An individual may apply for a new temporary hearing aid dispenser license by submitting the application fee and information required in subsection R9-16-310.02 if the individual:
1. Renewed a temporary license, and
 2. Failed the next licensing examination given after the date the renewal license.

R9-16-308. Continuing Education ~~License~~ Requirements Under R9-16-307(1) and R9-16-310

- ~~A.~~** ~~Each dispenser shall complete eight hours of continuing education approved under R9-16-309 within 12 months of the effective date of the regular license.~~
- ~~B.~~** ~~A CE hour shall contain 60 minutes of actual course work instruction.~~
- ~~C.~~** ~~If the CE course work complies with the preapproved provisions of R9-16-309 (B) or (C), the dispenser shall complete a CE form provided by the Department that contains the information required in subsections (D)(1), (2), (3), (7), (8) and (9).~~
- ~~D.~~** ~~A dispenser submitting confirmation of CE hours earned which do not comply with the preapproved provisions of R9-16-309(B) or (C) shall complete the CE form that contains the following information:~~
- ~~1. Name, business address, and license number of the dispenser;~~
 - ~~2. Name of the organization providing the course work, date, and location;~~
 - ~~3. Specific courses attended;~~
 - ~~4. Detailed description of each course's content;~~
 - ~~5. Description of each course's educational objectives;~~
 - ~~6. Description of each instructor's education, training and experience background;~~
 - ~~7. Number of CE hours earned for each course;~~
 - ~~8. Statement indicating if the course work was preapproved in accordance with R9-16-309;~~
- ~~and~~

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9. ~~Signed statement under penalty of perjury that the dispenser attended the CE course and that all information on the CE form is complete and accurate.~~
- E.** ~~The Director shall approve course work that meets the course requirements outlined in R9-16-309(A). The Director shall notify the dispenser stating whether or not the CE hours have been approved.~~
- F.** ~~The Director shall not give a dispenser credit for CE course work which is substantially the same in content to courses utilized to meet the CE requirements within the preceding year.~~
- G.** ~~A dispenser who does not complete eight hours of approved CE may be issued a renewal license if the dispenser applies for and obtains a waiver issued by the Director in accordance with R9-16-310.~~
- H.** ~~The dispenser shall maintain, for a period of three years, CE receipts, canceled checks, certificates, attendance sheets, or other documentation which establishes completion of the CE requirement. The Department may randomly audit the dispenser's compliance with the CE requirements.~~
- A.** For license renewal under R9-16-307(1), a hearing aid dispenser shall complete, within 12 months before the expiration date of the license being renewed, at least eight CE hours consisting of instruction that is:
1. Counted by the Department under subsection (G) toward the hearing aid dispenser's CE requirement, or
 2. Pre-approved by the Department under R9-16-309.
- B.** For a new license under R9-16-310, an individual whose hearing aid dispenser license was nonrenewable shall complete, within 12 months before the date the Department receives the individual's application packet, at least eight CE hours consisting of instruction that is:
1. Counted by the Department under subsection (G) toward the individual's CE requirement, or
 2. Pre-approved by the Department under R9-16-309.
- C.** A CE hour shall contain 60 minutes of actual instruction.
- D.** The Department shall apply only counted or pre-approved CE hours to meet the CE requirement of the hearing aid dispenser or other individual.
- E.** A hearing aid dispenser or other individual submitting confirmation of CE hours that meet the pre-approval requirements in R9-16-309(A) and R9-16-309(B) or in R9-16-309(A) and R9-16-309(C), shall submit in writing to the Department:
1. The information required in subsections (F)(1), (F)(2)(a), (F)(2)(b), and (F)(2)(f);
 2. A statement that the Department pre-approved the CE hours under R9-16-309; and

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3. The statement required in subsection (F)(3).
- F.** A hearing aid dispenser or other individual submitting confirmation of CE hours that do not meet the pre-approval requirements in R9-16-309(A) and R9-16-309(B) or in R9-16-309(A) and R9-16-309(C), shall submit in writing to the Department:
1. The name of the hearing aid dispenser or other individual, the business address, and the number of the valid hearing aid dispenser license or of the hearing aid dispenser license that was nonrenewable under R9-16-307(6);
 2. For each instruction program:
 - a. The name and address of the organization providing the instruction program and the name and telephone number of an individual at the organization to contact about the instruction program;
 - b. The title, date, and location of the instruction program, the instruction program's starting time and ending time, and the starting time and ending time of each scheduled break;
 - c. A detailed description of the instruction program's content;
 - d. A description of the instruction program's educational objectives;
 - e. The name of each instructor of the instruction program and a description of each instructor's education, training, and experience;
 - f. The number of CE hours claimed by the hearing aid dispenser or other individual for the instruction program; and
 - g. A statement that the Department did not pre-approve the instruction program under R9-16-309; and
 3. A statement signed by the hearing aid dispenser or other individual verifying that the signer attended each instruction program listed under subsection (F)(2)(b) and verifying the truthfulness and completeness of the CE confirmation submitted.
- G.** The Department shall count toward the subsection (A) or subsection (B) CE requirement an instruction program that was not pre-approved under R9-16-309 if:
1. The hearing aid dispenser or other individual provides all the information regarding the instruction program required in subsection (F), and
 2. The instruction program meets the requirements in R9-16-309(A).
- H.** The Department shall notify a hearing aid dispenser or other individual who submits information under subsection (F) for an instruction program that was not pre-approved under R9-16-309 whether the Department counts the instruction program toward the subsection (A) or subsection (B) CE requirement:

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1. For subsection (F) information submitted with a hearing aid dispenser's renewal application packet or within 30 days after the Department received the renewal application packet, according to R9-16-307(3) or R9-16-307(4):
2. For subsection (F) information submitted before a hearing aid dispenser's license expiration date and before the Department receives a renewal application packet:
 - a. If the Department does not count the instruction program toward the hearing aid dispenser's CE requirement:
 - i. By certified mail,
 - ii. To the hearing aid dispenser's address provided in the instruction program information, and
 - iii. Post-marked within seven days after the date the Department received the instruction program information; or
 - b. If the Department counts the instruction program toward the hearing aid dispenser's CE requirement:
 - i. By regular mail,
 - ii. To the hearing aid dispenser's address provided in the instruction program information, and
 - iii. Post-marked within seven days after the date the Department received the instruction program information;
3. For subsection (F) information submitted with an individual's new license application packet or within 30 days after the Department received the new license application packet, according to R9-16-310(B) or R9-16-310(C): or
4. For subsection (F) information submitted within one year after the expiration date of an individual's nonrenewable license and before the Department receives a new license application packet:
 - a. If the Department does not count the instruction program toward the individual's CE requirement:
 - i. By certified mail,
 - ii. To the individual's address provided in the instruction program information, and
 - iii. Post-marked within seven days after the date the Department received the instruction program information; or
 - b. If the Department counts the instruction program toward the individual's CE requirement:

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- i. By regular mail,
- ii. To the individual's address provided in the instruction program information, and
- iii. Post-marked within seven days after the date the Department received the instruction program information.

I. A hearing aid dispenser shall retain, for three years after the completion date of any CE, documentation that supports the information submitted under subsection (E) or subsection (F), including:

1. Receipts;
2. Canceled checks;
3. Certificates stating:
 - a. The title, date, time, and location of an instruction program;
 - b. The name of the person providing the instruction program;
 - c. The number of hours or partial hours of instruction provided by the instruction program;
 - d. That the hearing aid dispenser completed the instruction program, including the number of CE hours claimed by the hearing aid dispenser; and
 - e. The signature of the hearing aid dispenser;
4. Attendance sheets containing:
 - a. The title, date, time, and location of an instruction program;
 - b. The name of the organization providing the instruction program;
 - c. The signature of the individual who retains the document and who claims CE hours for the instruction program described under subsection (I)(4)(a); and
5. Printed material related to the CE.

J. The Department may conduct audits of CE documentation to establish compliance by a hearing aid dispenser with the retention requirement in subsection (I) and with the CE requirement in subsection (A) or subsection (B).

R9-16-309. Continuing Education Course Requirements Pre-approval

A. ~~For course work to be eligible for preapproval for CE hours, the course content shall directly relate to the practice of fitting and dispensing hearing aids and the educational objectives shall exceed an introductory level of knowledge as it relates to fitting and dispensing hearing aids. The course work shall include advances, within the last five years, in the field as follows:~~

- ~~1. Procedures in the selection and fitting of hearing aids;~~
- ~~2. Pre- and post fitting management of clients;~~

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3. ~~Instrument circuitry and acoustic performance data;~~
 4. ~~Earmold design and modification contributing to improved client performance;~~
 5. ~~Audiometric equipment or testing techniques which demonstrate an improved ability to identify and evaluate hearing loss;~~
 6. ~~Auditory rehabilitation;~~
 7. ~~Ethics;~~
 8. ~~Federal and state statutes or rules; or~~
 9. ~~Assistive listening devices~~
- B.** ~~Course work that meets the requirements of subsection (A) and is endorsed or sponsored by the following organizations shall be deemed preapproved for CE hours:~~
1. ~~Arizona Hearing Aid Society;~~
 2. ~~Arizona Speech Language Hearing Association;~~
 3. ~~American Speech Language Hearing Association;~~
 4. ~~International Hearing Society;~~
 5. ~~National Institute of Hearing Instrument Studies;~~
 6. ~~National Society of Hearing Professionals;~~
 7. ~~American Academy of Audiology;~~
 8. ~~Academy of Dispensing Audiologists;~~
 9. ~~Arizona Society of Otolaryngology Head and Neck Surgery; or~~
 10. ~~American Academy of Otolaryngology Head and Neck Surgery.~~
- C.** ~~The Director shall preapprove other CE course work that complies with subsection (A) upon the following:~~
1. ~~The organization providing the course work shall submit the following information 45 days before the course is offered:~~
 - a. ~~Name, date, and location of the CE course work;~~
 - b. ~~Detailed description of the course content;~~
 - c. ~~Description of the educational objectives;~~
 - d. ~~Description of each instructor's education, training, and experience background;~~
~~and~~
 - e. ~~CE hours offered for completing the course.~~
 2. ~~The provider shall report any change in the course content or instructor to the Department before the course begins.~~
- D.** ~~The Director shall withdraw the approval of any CE provider for failure to comply with the provisions of this Section.~~

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- A.** For the Department's pre-approval, CE shall:
1. Be directly related to fitting and dispensing hearing aids;
 2. Have educational objectives appropriate for individuals with more than an introductory level of knowledge of fitting and dispensing hearing aids; and
 3. Provide current information related to:
 - a. Hearing aid selection and fitting procedures;
 - b. Client management;
 - c. Instrument circuitry and electroacoustic performance characteristics data;
 - d. Earmold style and earmold modification for improved client performance;
 - e. Audiometric equipment or testing techniques for identifying and evaluating hearing loss;
 - f. Auditory rehabilitation services;
 - g. Ethics;
 - h. Federal statutes or regulations, or state statutes or rules; or
 - i. Assistive listening devices.
- B.** The Department shall consider as pre-approved CE that meets the subsection (A) requirements and is endorsed or provided by:
1. The Arizona Speech-Language-Hearing Association,
 2. The American Speech-Language-Hearing Association,
 3. The Hearing Health Care Providers of Arizona,
 4. The International Institute for Hearing Instruments Studies of the International Hearing Society,
 5. The American Academy of Audiology, or
 6. The Academy of Dispensing Audiologists.
- C.** The Department shall pre-approve as CE an instruction program that is not endorsed or provided by an organization listed in subsection (B) if the instruction program meets the requirements in subsection (A) and the organization providing the instruction program meets the requirements in subsection (C)(1).
1. At least 75 days before the date of the instruction program, the organization providing the instruction program shall submit in writing to the Department:
 - a. The name and address of the organization providing the instruction program and the name and telephone number of an individual at the organization to contact about the instruction program;

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- b. The title, date, and location of the instruction program, the instruction program's starting time and ending time, and the starting time and ending time of each scheduled break;
 - c. A detailed description of the instruction program's content;
 - d. A description of the instruction program's educational objectives;
 - e. The name of each instructor of the instruction program and a description of each instructor's education, skills, and experience; and
 - f. The organization's computation of the number of CE hours available to a hearing aid dispenser licensed under this Article who completes the instruction program.
- 2. According to R9-16-315 and Table 1, the Department shall notify the organization listed under subsection (C)(1)(a):
 - a. By certified mail to the organization's address listed under subsection (C)(1)(a), that:
 - i. The instruction program does not meet the requirements of subsection (A) or the organization did not meet the requirements in subsection (C)(1);
 - ii. The Department does not pre-approve the instruction program; and
 - iii. The organization may appeal the denial of pre-approval according to A.R.S. Title 41, Chapter 6, Article 10; or
 - b. By regular mail to the organization's address listed under (C)(1)(a), that the Department pre-approves the instruction program.
- 3. Before the date of the instruction program, the organization listed under subsection (C)(1)(a) shall report to the Department a change in the content or instructor of the instruction program.

D. The Department shall withdraw CE pre-approval if:

- 1. An instruction program does not meet the requirements in subsection (A); or
- 2. For pre-approval granted under subsection (C), the organization listed under subsection (C)(1)(a) does not comply with subsection (C)(3).

R9-16-310. ~~Expired~~ New Individual License

- A.** When a hearing aid dispenser license is nonrenewable under R9-16-307(6), an individual may apply for a new license by submitting to the Department, within one year after the expiration date of the nonrenewable license:
- 1. A nonrefundable \$100 application fee,
 - 2. A \$100 license fee,

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3. The information required in R9-16-303(1)(a) through R9-16-303(1)(h), and
 4. Confirmation of CE hours according to R9-16-308(E) and R9-16-308(F).
- B.** If the individual does not meet the requirements in A.R.S. § 36-1923(A) and subsection (A), the Department shall:
1. Notify the individual:
 - a. According to R9-16-315 and Table 1;
 - b. By certified mail to the individual's address on the new license application;
 - c. That the Department denies a new license to the individual; and
 - d. If applicable, whether the Department counts toward the R9-16-308(A) CE requirement any instruction programs for which the individual submitted information according to R9-16-308(F); and
 2. Return the license fee to the individual.
- C.** If the individual meets the requirements in A.R.S. § 36-1923(A) and subsection (A), the Department shall issue a license to the individual:
1. According to R9-16-315 and Table 1;
 2. By regular mail to the individual's address on the new license application; and
 3. If applicable, whether the Department counts toward the R9-16-308(A) CE requirement any instruction programs for which the individual submitted information according to R9-16-308(F).
- D.** An individual notified under subsection (B) may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.

R9-16-310.01. New Organization License

- A.** When an organization hearing aid dispenser license is nonrenewable under R9-16-307.01(E), the organization may apply for a new license by submitting to the Department:
1. A nonrefundable \$100 application fee,
 2. A \$100 license fee, and
 3. The information required in R9-16-303.02(1)(a) through R9-16-303.02(1)(g).
- B.** If the organization does not meet the requirements in A.R.S. § 36-1910 and subsection (A), the Department shall:
1. Notify the organization:
 - a. According to R9-16-315 and Table 1,
 - b. By certified mail to the organization's address on the new license application,
and
 - c. That the Department denies a new license to the organization; and

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2. Return the license fee to the organization.
- C. If the organization meets the requirements in A.R.S. § 36-1910 and subsection (A), the Department shall issue a new license to the organization:
 1. According to R9-16-315 and Table 1, and
 2. By regular mail to the organization's address on the new license application.
- D. An organization notified under subsection (B) may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.

R9-16-310.02. New Temporary License

- A. When a temporary hearing aid dispenser license is nonrenewable under R9-16-307.02(F) or terminates under R9-16-307.02(G), an individual may apply for a new temporary license by submitting to the Department:
 1. A nonrefundable \$100 application fee, and
 2. The information required in R9-16-303.03(1)(a) through R9-16-303.03(1)(c).
- B. If the individual does not meet the requirements in A.R.S. § 36-1926 and subsection (A), the Department shall notify the individual:
 1. According to R9-16-315 and Table 1,
 2. By certified mail to the individual's address on the new license application, and
 3. That the Department denies a new temporary license to the individual.
- C. If the individual meets the requirements in A.R.S. § 36-1926 and subsection (A), the Department shall notify the individual:
 1. According to R9-16-315 and Table 1,
 2. By regular mail to the individual's address on the new license application, and
 3. That the Department grants a new temporary license to the individual.
- D. The Department shall issue a new temporary license to an applicant who is notified under subsection (C) and who submits to the Department a \$100 license fee. If the applicant does not submit the license fee within 30 days after the date of the notification in subsection (C), the Department shall consider the new license application withdrawn.
- E. An individual notified under subsection (B) may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.

R9-16-311. Hearing Aid Dispenser Operating Guidelines Practice Requirements

- A. A dispenser shall conduct audiometric tests, before selecting a hearing aid for a prospective user, that provide detailed information about the client's hearing loss as follows:
 1. Type, degree, and configuration of hearing loss;

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2. ~~Ability, as measured by the percentage of words the client is able to repeat correctly, to discriminate speech; and~~
 3. ~~Client's most comfortable and uncomfortable loudness levels in decibels.~~
- B.** ~~Audiometric testing may be excluded prior to selling a client a hearing aid if the client presents to the dispenser the information outlined in subsection (A) which was obtained within the last 12 months for an adult or within the last six months for a person under the age of 18.~~
- C.** ~~Audiometric tests listed in subsection (A) that cannot be performed due to the young age or mental or physical disability of the client may be excluded; however, documentation shall be maintained by the dispenser for three years that supports the exclusion of the specific audiometric tests.~~
- D.** ~~Prior to any hearing aid sale, the dispenser shall evaluate the performance characteristics of the hearing aid for the purpose of assessing the degree of benefit to the client.~~
- E.** ~~Prior to any hearing aid sale, the dispenser shall follow the requirements contained in 21 CFR 801.420 and 801.421, April 1, 1989, and no further amendments, incorporated herein by reference and on file with the Office of the Secretary of State.~~
- F.** ~~In addition to complying with the requirements in A.R.S. § 36-1932, the bill of sale, signed by the client, shall include the following:~~
1. ~~Detailed description of warranty information,~~
 2. ~~Year hearing aid was manufactured, and~~
 3. ~~Full disclosure of the conditions of any offer of a trial period with a money back guarantee or partial refund. A trial period shall not include any time that the hearing aid is in the possession of the dispenser or the manufacturer.~~
- G.** ~~A dispenser shall notify the Director in writing of any change in business address within 30 days of the change.~~
- A.** Except as provided in subsections (B) and (C), before selecting a hearing aid for a client a hearing aid dispenser licensed under this Article shall conduct an audiometric test to obtain detailed information about:
1. The type, degree, and configuration of the client's hearing loss;
 2. The client's speech discrimination ability, measured by the percentage of words the client repeats correctly; and
 3. The client's most comfortable and most uncomfortable decibel levels.
- B.** A hearing aid dispenser may omit all audiometric tests if the client presents to the hearing aid dispenser the information specified in subsection (A):
1. Obtained:

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- a. For an individual age 18 or more, within 12 months before the date the client presents the information to the hearing aid dispenser; or
 - b. For an individual less than age 18, within six months before the date the client presents the information to the hearing aid dispenser and;
 2. Signed by a licensed physician, a licensed audiologist, or a licensed hearing aid dispenser.
- C.** A hearing aid dispenser may omit an audiometric test that provides information specified in subsection (A) if:
1. The client's age, mental disability, or physical disability prevents the hearing aid dispenser from conducting the test; and
 2. Documentation supports the omission of the test.
- D.** Before selling a hearing aid to a client, a hearing aid dispenser shall:
1. Evaluate the hearing aid's electroacoustic performance characteristics; and
 2. Meet the requirements in 21 CFR 801.420 and 21 CFR 801.421, April 1, 2005, incorporated by reference, on file with the Department, including no future editions or amendments, and available from:
 - a. The U.S. Government Printing Office, 732 N. Capitol St. NW, Washington DC 20401;
 - b. The U.S. Government Online Bookstore at <http://bookstore.gpo.gov>;
 - c. The U.S. Government Printing Office Contact Center at 1-(866) 512-1800; or
 - d. <http://www.gpoaccess.gov/cfr/retrieve.html>
- E.** In addition to the requirements in A.R.S. § 36-1909, a bill of sale shall include:
1. The client's signature;
 2. Warranty information, including:
 - a. The warranty's length,
 - b. The hearing aid maintenance and servicing covered by the warranty, and
 - c. Client charges for hearing aid maintenance and servicing covered by the warranty;
 3. The hearing aid's year of manufacture; and
 4. If applicable, the trial period conditions, including:
 - a. The trial period's length,
 - b. The amount refunded to the client if the client returns the hearing aid during the trial period, and

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- c. Client charges for loss of the hearing aid or damage to the hearing aid during the trial period.

F. Within 30 days after a change in a hearing aid dispenser's business address, the hearing aid dispenser shall notify the Department in writing of the change.

R9-16-312. Inspection Requirements

A. ~~A dispenser's place of business shall have available for inspection by the Department the following:~~

- ~~1. Audiometer that performs the audiometric tests as outlined in R9-16-311(A);~~
- ~~2. Documentation which provides evidence of annual calibration of the audiometer in accordance with the American National Institute Standards, S3.6-1989, Standards Secretariat, c/o Acoustical Society of America, 335 East 45th Street, New York, New York 10017-3483, May 23, 1989, and no further amendments, incorporated herein by reference and on file with the Office of the Secretary of State;~~
- ~~3. Customer record for each client which shall include the following:~~
 - ~~a. Written statement from a licensed physician that the customer has medical clearance to use hearing aids or a medical waiver signed by the customer 18 years of age or older;~~
 - ~~b. Copy of the bill of sale;~~
 - ~~c. Audiometric test results by date performed and signed by the person performing the tests, and~~
 - ~~d. Contracts, agreements, warranties, trial periods, or other documents involving the client.~~

B. ~~The records referenced in subsection (A) shall be retained for 36 months from date of sale.~~

At the place of business of a hearing aid dispenser licensed under this Article, the hearing aid dispenser shall have available for the Department's inspection:

1. An audiometer for conducting audiometric tests that provide the information specified in R9-16-311(A);
2. Documentation that establishes calibration of the audiometer:
 - a. At least once each year after the audiometer's manufacture date; and
 - b. According to ANSI S3.6-2004 American National Standard Specification for Audiometers (Revision of ANSI S3.6-1996), June 4, 2004, Acoustical Society of America, incorporated by reference, on file with the Department, including no future editions or amendments, and available from:

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- i. The Standards Secretariat, Acoustical Society of America, 35 Pinelawn Road, Suite 114 E, Melville, NY 11747, telephone 1-(631) 390-0215, and fax 1-(631) 390-0217; or
 - ii. The Acoustical Society of America Standards Store at <http://asastore.aip.org/>; and
3. For each client, a client record retained according to A.R.S. § 12-2297 that includes:
 - a. The client's medical clearance or medical waiver;
 - b. A copy of the bill of sale;
 - c. In chronological order, the client's audiometric test results signed by a licensed physician, a licensed audiologist, or a licensed hearing aid dispenser;
 - d. If applicable, documentation under R9-16-311(C)(2); and
 - e. Contracts, warranties, trial period conditions, and other documents for each hearing aid sold to the client.

R9-16-313. Complaint Procedure

- ~~A. All complaints filed against a dispenser relating to the practice of fitting and dispensing hearing aids shall be submitted in writing to the Department. The complainant shall submit a statement of the facts and provide copies of all documentation which may support the alleged violation of state statutes or rules.~~
- ~~B. The Department shall send a certified letter to the dispenser describing each complaint. The dispenser shall provide to the Department, within 15 days of receipt of the certified letter, a written response addressing each allegation.~~
- ~~C. The Department shall review each complaint and the corresponding response by the dispenser. A certified letter shall be sent to both the complainant and the dispenser notifying them of any action to be taken by the Department.~~
- ~~D. A dispenser may appeal an action taken by the Department in accordance with 9 A.A.C. 1, Article 1, Rules of Practice and Procedures.~~
- A. A person submitting a complaint to the Department shall submit the following written information:
 1. The name and business address of the hearing aid dispenser;
 2. A statement of the events leading to the complaint signed by:
 - a. If an individual makes the complaint, the individual; or
 - b. If an entity makes the complaint, and individual authorized to sign for the entity;
and
 3. Copies of any documentation supporting the complaint.

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- B.** Within 10 days after the Department receives a complaint, the Department shall send by certified mail to the hearing aid dispenser named in the complaint, a statement:
1. Of each allegation in the complaint;
 2. That the hearing aid dispenser shall provide to the Department a written response:
 - a. To each allegation in the complaint, and
 - b. Within 20 days after the post-mark date of the Department's certified mail to the hearing aid dispenser;
 3. For a complaint made by a client, that the hearing aid dispenser shall submit a copy of the client record with a document:
 - a. Stating that the client record is complete and has not been altered; and
 - b. Containing:
 - i. The hearing aid dispenser's signature, and
 - ii. A jurat completed by an Arizona notary; and
 4. That the Department shall consider as proven an allegation stated under subsection (B)(1) to which the hearing aid dispenser does not respond.
- C.** Within 10 days after the date the Department receives a hearing aid dispenser's response to a complaint, the Department shall send by certified mail to the person who made the complaint and to the hearing aid dispenser, notification whether the Department will take an enforcement action under R9-16-314.

R9-16-314. Enforcement Actions

- A.** ~~In accordance with A.R.S. § 36-1934, the following factors shall be considered in determining the length of suspension or revocation, or conditions thereof, or the level of disciplinary action for any violation of A.R.S., Title 36, Chapter 17 or this Article:~~
- ~~1. Severity of the offense;~~
 - ~~2. Danger to the public;~~
 - ~~3. Number of specified offenses;~~
 - ~~4. Degree of damage, physical or otherwise, to the consumer;~~
 - ~~5. Number and nature of prior offenses;~~
 - ~~6. Degree of cooperation displayed in resolving past or recent complaints and violations;~~
 - ~~7. Degree of negligence pertaining to any violation; and~~
 - ~~8. Other mitigating or aggravating circumstances.~~
- B.** ~~Upon consideration of the factors outlined in subsection (A), the Director may revoke or suspend a license permanently or for a fixed period and may impose the following:~~

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1. ~~Suspend all or certain areas of the dispenser's practice where the dispenser has shown unethical conduct or incompetence in the conduct of the practice;~~
2. ~~Restrict the practice of a dispenser to only those activities that are directly supervised by a licensed dispenser; and~~
3. ~~Prescribe a period of probation in which the dispenser shall obtain a specified number of CE hours in areas where the dispenser has shown negligence, unethical behavior, or incompetence in the conduct of the practice.~~

A. If the Department determines that a hearing aid dispenser licensed under this Article comes within A.R.S. § 36-1934(A) or violated R9-16-304, R9-16-311, or R9-16-312, the Department may:

1. Take an action under A.R.S. § 36-1934, including:
 - a. License suspension,
 - b. License revocation,
 - c. License denial,
 - d. Practice restriction, and
 - e. Probation period;
2. Request the Superior Court to issue an injunction under A.R.S. § 36-1937; or
3. Assess a civil penalty under A.R.S. § 36-1939.

B. In determining which action listed in subsection (A) is appropriate or the length of a suspension or revocation, the Department shall consider:

1. The type of violation,
2. The severity of the violation,
3. The danger to public health and safety,
4. The number of violations,
5. The degree of harm to the client,
6. A pattern of noncompliance, and
7. Any mitigating or aggravating circumstances.

C. A hearing aid dispenser may appeal an enforcement action taken by the Department according to A.R.S. Title 41, Chapter 6, Article 10.

R9-16-315. Time-frames

A. ~~For purposes of this Section, "application packet" means the information, documents, and fees required by the Department for:~~

1. ~~Approval to take an examination,~~
2. ~~An initial regular license or renewal of a regular license,~~

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3. ~~An initial temporary license or renewal of a temporary license, or~~
 4. ~~Approval of a continuing education course that is requested separately from an application for renewal of a license.~~
- B. A.** ~~The~~ For each type of approval or license issued by the Department under this Article, Table 1 specifies the overall time-frame described in A.R.S. § 41-1072 for each type of approval granted by the Department under this Article is specified in Table 1.
1. ~~The~~ An applicant and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame.
 2. An extension of the substantive review time-frame and the overall time-frame may not exceed 25% 25 percent of the overall time-frame.
- C. B.** ~~The~~ For each type of approval or license issued by the Department under this Article, Table 1 specifies the administrative completeness review time-frame described in A.R.S. § 41-1072 for each type of approval granted by the Department under this Article is specified in Table 1.
1. The administrative completeness review time-frame begins:
 - a. ~~For approval to take an examination, on the date the Department receives an application packet;~~
 - a. Except for an initial hearing aid dispenser license by examination, on the date the Department receives an application packet; or
 - b. ~~For approval of a regular~~ an initial hearing aid dispenser license by examination, when on the date the applicant takes is scheduled to take the licensing examination; and
 - c. ~~For approval of a regular license by reciprocity, a regular license for a business, an initial temporary license, a renewal of a regular license, a renewal of a temporary license, or approval of a continuing education course that is requested separately from an application for renewal of a license, on the date the Department receives an application packet.~~
 2. ~~When an application packet is complete, or when an applicant for approval of a regular license by examination submits an examination for scoring, Except according to subsections (B)(3) and (B)(4), the Department shall provide mail a written notice of administrative completeness or a notice of deficiencies to the an applicant within the administrative completeness review time-frame.~~
 - a. An application packet for an initial hearing aid dispenser license by examination is complete when the applicant submits a licensing examination for scoring.

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4. ~~b.~~ If an application packet is ~~incomplete~~, the Department shall provide to the applicant a written ~~not complete~~, the notice of deficiencies ~~specifying the missing~~ shall list each deficiency and the documents or ~~incomplete~~ information needed to complete the application packet.
- c. ~~The~~ A notice of deficiencies suspends the administrative completeness review time-frame and the overall time-frame ~~are suspended~~ from the post-mark date of the notice until the date the Department receives a ~~complete application packet~~ from the applicant the missing documents or information.
5. ~~d.~~ If the applicant ~~fails to~~ does not submit to the Department all ~~of the items~~ documents and information listed in the notice of deficiencies within ~~90~~ 30 days ~~from after~~ the post-mark date of the notice of deficiencies, the Department ~~shall~~ consider ~~considers~~ the application packet withdrawn.
3. If the Department grants an approval or a license during the administrative completeness review time-frame, the Department ~~shall~~ does not issue a separate written notice of administrative completeness.
4. The Department does not issue a separate written notice of deficiencies to an applicant for a hearing aid dispenser license by examination and denies the license, if the applicant is scheduled to take the licensing examination and:
- a. Does not appear for the examination;
- b. Appears for the examination, but is not allowed to take the examination; or
- c. For any other reason, does not submit an examination for scoring.
- D. C.** ~~The~~ For each type of approval or license issued by the Department under this Article, Table 1 specifies the substantive review time-frame described in A.R.S. § 41-1072 ~~is specified in Table 1 and, which~~ begins on the post-mark date of the notice of administrative completeness.
1. Within the substantive review time-frame, the Department shall mail written notification to the applicant that the Department grants or denies the approval or license.
- ~~4. 2.~~ During the substantive review time-frame,:
- a. ~~the~~ The Department may make one comprehensive written request for additional documents or information, ~~or; and~~
- b. a If the Department and the applicant agree in writing to allow one or more supplemental request requests for additional documents or information by mutual written agreement with the applicant, the Department may make the number of supplemental requests agreed to.

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- ~~2.~~ 3. If the Department provides to the applicant a A comprehensive written request or a supplemental request for additional documents or information, suspends the substantive review time-frame and the overall time-frame ~~are suspended~~ from the post-mark date of the request until the date the Department receives all ~~of~~ the documents ~~or~~ and information requested.
- ~~3.~~ 4. If the applicant ~~fails to~~ does not submit to the Department all the documents or information ~~requested by the Department~~ listed in a comprehensive written request or supplemental request for additional documents or information within ~~90~~ 30 days ~~from~~ after the post-mark date of the request, the Department shall ~~consider the application withdrawn~~ deny the approval or license.

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Table 1. Time-frames (in calendar days)

Type of Approval or License	Statutory Authority	Overall Time-frame	Administrative Completeness Review Time-frame	Substantive Review Time-frame
Approval to take an a licensing examination (R9-16-303(A)(1) and (A)(2)) <u>(R9-16-303(2))</u>	A.R.S. §§ 36-1904, <u>and</u> 36-1923	60	30	30
Regular Individual License by Examination (R9-16-303(A)(3), (A)(4), and (A)(5)) <u>(R9-16-303(3) through R9-16-303(5))</u>	A.R.S. §§ 36-1904, <u>and</u> 36-1923	60	30	30
Regular Individual License by Reciprocity (R9-16-303(B)) <u>(R9-16-303.01)</u>	A.R.S. §§ 36-1904, <u>and</u> 36-1922	60	30	30
Regular Organization License for a Business (R9-16-303(C)) <u>(R9-16-303.02)</u>	A.R.S. §§ 36-1904, <u>and</u> 36-1910	60	30	30
Initial Temporary License (R9-16-303(D)) <u>(R9-16-303.03)</u>	A.R.S. § 36-1926	60	30	30

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Renewal of a Temporary License (R9-16-303(D))	A.R.S. § 36-1926	60	30	30
Renewal of a Regular <u>an Individual License</u> (R9-16-303(C) and R9-16-307) (<u>R9-16-</u> <u>307</u>)	A.R.S. §§ 36-1904, 36-1904, 36-1910 <u>§ 36-1904</u>	60	30	30
Approval of a continuing education course that is requested separately from an application for renewal of a license (R9-16-308 and R9-16-309)	A.R.S. § 36- 1904(C)	60	30	30
<u>Renewal of an</u> <u>Organization License</u> (<u>R9-16-307.01</u>)	<u>A.R.S. §§ 36-1904</u> and <u>36-1910</u>	<u>60</u>	<u>30</u>	<u>30</u>
<u>Renewal of a</u> <u>Temporary License</u> (<u>R9-16-307.02</u>)	<u>A.R.S. § 36-1926</u>	<u>60</u>	<u>30</u>	<u>30</u>
<u>New Individual</u> <u>License (R9-16-310)</u>	<u>A.R.S. §§ 36-</u> <u>1904(E) and 36-</u> <u>1923(A)</u>	<u>60</u>	<u>30</u>	<u>30</u>
<u>New Organization</u> <u>License (R9-16-</u> <u>310.01)</u>	<u>A.R.S. §§ 36-</u> <u>1904(E) and 36-</u> <u>1910</u>	<u>60</u>	<u>30</u>	<u>30</u>

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<u>New Temporary License (R9-16-310.02)</u>	<u>A.R.S. §§ 36-1926(B), 36-1926(D), 36-1926(F), and 36-1926(G)</u>	<u>60</u>	<u>30</u>	<u>30</u>
<u>Pre-approval of Continuing Education (R9-16-309)</u>	<u>A.R.S. § 36-1904(C)</u>	<u>60</u>	<u>30</u>	<u>30</u>

R9-16-316. Duplicate License Fee

- A.** An individual licensed under ~~9 A.A.C. 16, Article 3,~~ this Article may obtain a duplicate license by submitting to the Department a written request for a duplicate license ~~containing~~ that contains:
1. ~~the~~ The individual's name and address,
 2. ~~the~~ The number and expiration date of the license to be duplicated,
 3. ~~the~~ The individual's signature, and
 4. a A nonrefundable \$25 duplicate license fee.
- B.** An organization licensed under ~~9 A.A.C. 16, Article 3,~~ this Article may obtain a duplicate license by submitting to the Department a written request for a duplicate license ~~containing~~ that contains:
1. ~~the~~ The organization's name and address,
 2. ~~the~~ The number and expiration date of the license to be duplicated,
 3. ~~the~~ The titles and signatures of the individuals specified in ~~R9-16-303(C)(1)(g)~~ R9-16-303.02(1)(g) for the type of organization requesting the duplicate license, and
 4. a A nonrefundable \$25 duplicate license fee.